Reserved

IN THE HIGH COURT OF UTTARAKHAND
AT NAINIATL

Writ Petition No. 192 (S/S) of 2004

Sheesh Ram Singh S/o Sh. Baldev Singh
R/o Mohalla Machhli Mohalla, Sugar Factory Bazar
District- Udham Singh Nagar, Uttaranchal -------- Petitioner

Versus

1. State of Uttaranchal through Secretary Basic Education Dehradun Uttaranchal
2. Director Basic Education Dehradun, Uttaranchal
3. The Principal, District Education and Training Institute, Bhim Tal, District Nainital, Uttaranchal

----------Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri G.K. Verma, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has sought direction in the nature of mandamus directing the respondents to select the petitioner in Special B.T.C. Training.

The contention of the petitioner is that he is not being selected for Special B.T.C Training because he has not submitted the domicile certificate as required as per the advertisement. The petitioner has applied for Special B.T.C. in pursuance to the advertisement dated 30.08.2001. Later on a corrigendum was issued by the department. In the corrigendum, it was specifically stated that:-

''अभ्यर्थी जिस जनपद का मूल–निवासी है केवल उसी जनपद के लिये उसका आवेदन स्वीकार किया जायेगा। यदि किसी अभ्यर्थी द्वारा अपने गृह जनपद के अतिरिक्त किसी अन्य जनपद के लिये आवेदन किया जाता है तो उनका आवेदन निरस्त किया जायेगा । मूल–निवास प्रमाणपत्र किसी सक्षम अधिकारी (जिला मजिस्ट्रेट अथवा राजस्व मजिस्ट्रेट) द्वारा प्रदत्त मान्य होगा।। जिसकी सत्यापित प्रतिलिपि संलग्न करना अनिवार्य है।''

The case of the petitioner is that he has submitted a certificate issued by the institution where he is working. He has passed his B.Ed. from Ruhelkhand University, Bareilly and is eligible as per advertisement for selection for Special B.T.C. Training.

As per the advertisement, the copy of the domicile certificate issued by the competent authority (District Magistrate/ Revenue Magistrate) should be attached along with the application. In the present case, the petitioner has not submitted domicile certificate issued by the competent authority and, consequently, his candidature was not considered.

This Court on 11.03.2004 passed an order that meanwhile the respondent authorities shall permit the petitioner to undergo the Special B.T.C. Training course if he is otherwise eligible and has permanent residence certificate and if the Special B.T.C. Training course has already not commenced.

Learned counsel for the petitioner has submitted that in spite of this order, the petitioner was not provided appointment in Special B.T.C Training course.

In the counter affidavit, the respondents have submitted that the petitioner is applying every year for appointment in Special B.T.C. Training course, however, he is not being selected only for

the reason that he is not able to submit domicile certificate as required under the advertisement. Still today the petitioner is not in a position to show the domicile certificate issued to him by the competent authority.

Since neither the petitioner could show domicile certificate nor he has been selected by the respondents for the course which relates to the year 2003-04 and the selection process is over, no order is required to be passed in this writ petition as such the writ petition has become infructuous and, thus, is hereby dismissed as infructuous. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

July 19, 2007
VKS